BILL NO. S-73-02-05

SPECIAL ORDINANCE NO. S-17-73

AN ORDINANCE approving vacation of an unopened portion of Glenwood Avenue.

WHEREAS, Robert E. Livergood, Sr. and Naomi Livergood and Clayton T. Hetrick and Roberta G. Hetrick have petitioned the City Plan Commission and the Common Council to approve the vacation of the following described portion of a street located within the City of Fort Wayne, Indiana, to-wit:

> That portion of Glenwood Avenue commencing at a point of the southeast corner of Lot No. 4 of Arnold's suburban Division (recorded in Plat Book 17 at page 95 in the office of the County Recorder of Allen County, Indiana) and running in a westerly direction along the aforementioned Lot No. 4 a distance of 292 feet and then in a southerly direction a distance of 50 feet to the northwest corner of Lot No. 5 of the aforementioned division and then in an easterly direction 292 feet to the northeast corner of Lot No. 5 and then in a northerly direction to the place of beginning, such place of beginning being the southeast corner of Lot No. 4 in the aforementioned division, this right of way being 50 feet in width and 292 feet in length.

WHEREAS, the Plan Commission gave due notice of a public hearing on said petition and held said public hearing on November 27, 1972, at 7:30 o'clock P.M.; and,

WHEREAS, The Plan Commission following said public hearing approved said vacation on November 27, 1972;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That the vacation of said portion of a street hereinabove described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana;

2. That the vacation of said portion of a street hereinabove described be and the same is hereby approved; and,

3. That this Ordinance be forwarded to the Board of Public Works of the City of Fort Wayne, Indiana, for the action it deems advisable.

APPROVED AS TO FORM
AND LEGALITY,
CITY ATTORNEY

Councilman

Read the first time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations (~~and to the City Plan Commission for recommendation~~) ~~and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana,~~ on ~~_____, the _____ day of _____, 197___, at _____ o'clock P.M.,E.S.T.~~

Date: 2/13/73

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, placed on its passage. Passed (~~Lost~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	to-wit:
BURNS	✓				
HINGA				✓	
KRAUS				✓	
NUCKOLS	✓				
MOSES	✓				
SCHMIDT, D.	✓				
SCHMIDT, V.	✓				
STIER	✓				
TALARICO	✓				

Date: 2-27-73

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(Zoning Map) (General) (Annexation)~~ (Special) ~~(Appropriation)~~ Ordinance ~~(Resolution)~~ No. S-17-73 on the 27th day of February, 1973.

ATTEST:

Charles W. Westerman
CITY CLERK

(SEAL)

Donald C. Moses Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of February, 1973, at the hour of 1:30 o'clock A.M.,E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 5th day of March, 1973, at the hour of 4:30 o'clock P.M.,E.S.T.

Ivan A. Talarico
MAYOR

Bill No. S-73-02-05

REPORT OF THE COMMITTEE ON Regulation

We, your Committee on Regulation to whom was referred an Ordinance approving vacation of an unopened portion of Glenwood Avenue.

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

John Nichols
V. G. Schmidt
William T. Hogan
Paul M. Burns
Donald J. Schmidt.

John Nichols
Vivian G. Schmidt
Wilbur T. Hogan
Paul M. Burns
D J Schmidt

DATE 2-27-73 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

THE CITY OF FORT WAYNE

office of city plan commission

December 11, 1972

COMMUNICATION FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

Vacate that portion of Glenwood Avenue commencing at a point of the southeast corner of Lot No. 4 of Arnold's Suburban Division (recorded in Plat Book 17 at page 95 in the Office of the County Recorder of Allen County Indiana) and running in a westerly direction along the aforementioned Lot No. 4 a distance of 292 feet and then in a southerly direction a distance of 50 feet to the northwest corner of Lot No. 5 of the aforementioned division and then in an easterly direction 292 feet to the northeast corner of Lot No. 5 and then in a northerly direction to the place of beginning, such place of beginning being the southeast corner of Lot No. 4 in the aforementioned division, this right of way being 50 feet in width and 292 feet in length.

which was approved by the City Plan Commission at its regular meeting held November 27, 1972.

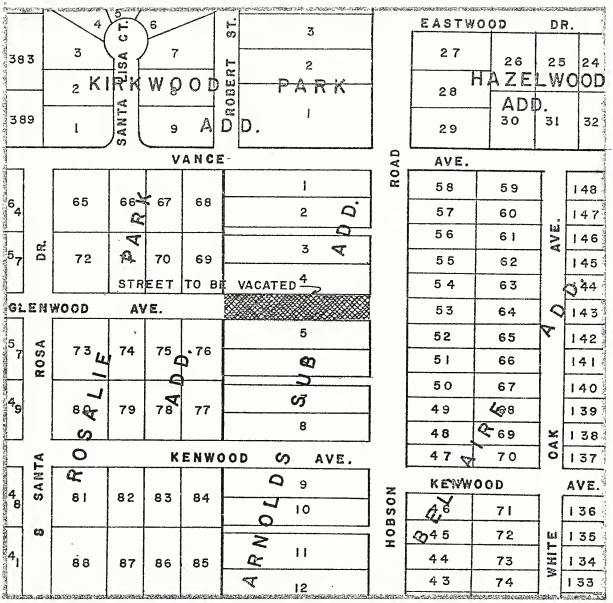
Respectfully submitted,

CITY PLAN COMMISSION

Certified and Signed this
11th day of December, 1972

George H. Roser

George H. Roser
Secretary



STREET TO BE VACATED

PETITION FOR VACATION OF STREET

Robert E. Livergood, Sr. and Naomi Livergood, and Clayton T. Hetrick and Roberta G. Hetrick, hereby respectfully petition the Plan Commission of the City of Fort Wayne, Indiana and the Common Council of the City of Fort Wayne, Indiana to vacate the following portion of Glenwood Avenue located within the corporate limits of the City of Fort Wayne, Indiana, described in the following words and figures, to wit:

> Vacate that portion of Glenwood Avenue commencing at a point of the southeast corner of Lot No. 4 of Arnold's Suburban Division (recorded in Plat Book 17 at page 95 in the Office of the County Recorder of Allen County, Indiana) and running in a westerly direction along the aforementioned Lot No. 4 a distance of 292 feet and then in a southerly direction a distance of 50 feet to the northwest corner of Lot No. 5 of the aforementioned division and then in an easterly direction 292 feet to the northeast corner of Lot No. 5 and then in a northerly direction to the place of beginning, such place of beginning being the southeast corner of Lot No. 4 in the aforementioned division, this right of way being 50 feet in width and 292 feet in length.

In support of this Petition, the petitioners represent the following facts to be true:

1. That Robert E. Livergood, Sr. and Naomi Livergood are husband and wife and are the owners of the following described real estate in Allen County, Indiana, to wit:

> Lot No. 5 of Arnold's Suburban Division, such division being a part of the City of Fort Wayne, Indiana, such division being recorded in Plat Book 17, page 95, which is part of the records in the Office of the Recorder of Allen County, Indiana.

That Clayton T. Hetrick and Roberta G. Hetrick are husband and wife and are the owners of the following described real estate in Allen County, Indiana, to wit:

Lot No. 4 of Arnold's Suburban Division, such division being a part of the City of Fort Wayne, Indiana, such division being recorded in Plat Book 17, page 95, which is part of the records in the Office of the Recorder of Allen County, Indiana.

2. That, although the City of Fort Wayne, Indiana owns the aforedescribed portion of Glenwood Avenue, no through right of way, as improved, exists and that, in fact, the aforedescribed right of way has never been used as a public way for vehicles of any nature nor has it been used by pedestrians.

3. That the petitioners are the contiguous land owners to the aforedescribed right of way and that the petitioners consent to the vacation of the aforedescribed right of way, as indicated by the Exhibit attached hereto and made a part hereof and labeled "Exhibit A."

4. That the only persons, entities, firms, or corporations which might have a particular or specific interest in the requested vacation or upon whose property the vacation of the aforedescribed right of way might have some effect is the City of Fort Wayne, Indiana, and the citizens thereof.

5. The petitioners represent that the aforedescribed right of way is neither necessary nor advantageous to the growth of the City of Fort Wayne, Indiana, nor to the traffic patterns thereof; that the vacation of the aforedescribed right of way will not, by effect thereof, cause any real estate within the City of Fort Wayne, Indiana to be left without ingress or egress by means of a public way or street and that, in fact, all real property owners abutting the aforedescribed right of way herein sought to be vacated have, or will have, adequate means of ingress and egress from either Glenwood Avenue or Hobson Road; that, furthermore, the vacation of the aforedescribed right of way will not operate to limit ingress or egress of the general populace to any church, school, or public ground, and that

said vacation would be in the best interests of the City of Fort Wayne, Indiana, and the citizens thereof, and that vacation of the aforedescribed right of way will enable the petitioners to make advantageous and proper development of the real property involved.

6. That the petitioners file this Petition pursuant to the authority granted under Burns Indiana Statutes Annotated 53-736 and 53-756.

WHEREFORE, the petitioners pray that this aforedescribed right of way be vacated according to all provisions of the law of the State of Indiana pertaining thereto and that the Master Plan be amended to effect such vacation of the aforedescribed right of way.

Dated this 12th day of October, 1972.

HUNT, SUEDHOFF, BORROR & EILBACHER

By Paul C. Raver, Sr.

Paul C. Raver, Sr.
625 Lincoln Bank Tower
Fort Wayne, Indiana 46802

PETITION FOR VACATING OF STREET

TO: The Plan Commission of the City of Fort Wayne, Indiana; and the Common Council of the City of Fort Wayne, Indiana

The undersigned petitioners hereby respectfully petition the Plan Commission of the City of Fort Wayne, Indiana, and the Common Council of the City of Fort Wayne, Indiana, to vacate the following right of way located within the corporate limits within the City of Fort Wayne, Indiana, described as follows, to wit:

> Vacate that portion of Glenwood Avenue commencing at a point of the southeast corner of Lot No. 4 of Arnold's Suburban Division (recorded in Plat Book 17 at page 95 in the Office of the County Recorder of Allen County, Indiana) and running in a westerly direction along the aforementioned Lot No. 4 a distance of 292 feet and then in a southerly direction a distance of 50 feet to the northwest corner of Lot No. 5 of the aforementioned division and then in an easterly direction 292 feet to the northeast corner of Lot No. 5 and then in a northerly direction to the place of beginning, such place of beginning being the southeast corner of Lot No. 4 in the aforementioned division, this right of way being 50 feet in width and 292 feet in length.

Robert E. Livergood Sr.
ROBERT E. LIVERGOOD, SR.

Naomi Livergood
NAOMI LIVERGOOD

Clayton T. Hetrick
CLAYTON T. HETRICK

Roberta G. Hetrick
ROBERTA G. HETRICK

EXHIBIT "A"

RESOLUTION

WHEREAS, Robert E. Livergood, Sr. and Naomi Livergood, husband and wife, and Clayton T. Hetrick and Roberta G. Hetrick, husband and wife, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public right of way located within the corporate limits of the City of Fort Wayne and described as follows, to wit:

> Vacate that portion of Glenwood Avenue commencing at a point of the southeast corner of Lot No. 4 of Arnold's Suburban Division (recorded in Plat Book 17 at page 95 in the Office of the County Recorder of Allen County, Indiana) and running in a westerly direction along the aforementioned Lot No. 4 a distance of 292 feet and then in a southerly direction a distance of 50 feet to the northwest corner of Lot No. 5 of the aforementioned division and then in an easterly direction 292 feet to the northeast corner of Lot No. 5 and then in a northerly direction to the place of beginning, such place of beginning being the southeast corner of Lot No. 4 in the aforementioned division, this right of way being 50 feet in width and 292 feet in length.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of the General Assembly of the State of Indiana as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Indiana Statutes Annotated, 53-736 and 53-756); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on the 27th day of November, 1972, at 7:30 o'clock P.M. and at such hearing there were no objections of any kind, character, or nature which should prevent the vacation of the aforedescribed right of way;

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of the aforedescribed right of way conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana, and,

BE IT FURTHER RESOLVED by the City Plan Commission of the City of Fort Wayne, Indiana that the vacation of the aforedescribed right of way be, and the same is hereby approved; and,

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission heretofore resolved be forwarded to the Common Council of the City of Fort Wayne for further action thereon.

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

I, Arthur C. Richard, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true, accurate, and complete copy of a Resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on the 27th day of November, 1972, as the same appears of record in the official records of the Fort Wayne City Plan Commission.

Dated this 27 day of November, 1972.

Arthur C Richard

PRESIDENT, Fort Wayne City Plan Commission

Admn. Appr. ✓

DIGEST SHEET

TITLE OF ORDINANCE Vacation of a portion of a street

DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE

Vacate that portion of Glenwood Avenue commencing at a point of the southeast corner of Lot No. 4 of Arnold's Suburban Division (Recorded in Plat Book 17 at page 95 in the Office of the County Recorder of Allen County, Indiana) and running in a westerly direction along the aforementioned Lot No. 4 a distance of 292 feet and then in a southerly direction a distance of 50 feet to the northwest corner of Lot No. 5 of the aforementioned division and then in an easterly direction 292 feet to the northeast corner of Lot No. 5 and then in a northerly direction to the place of beginning, such place of beginning being the southeast corner of Lot # 4 in the aforementioned division, this right of way being 50 feet in width and 292 feet in length

EFFECT OF PASSAGE

EFFECT OF NON-PASSAGE

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (~~I~~N.) Regulations

ORDINANCE CHECK-OFF SHEET

	INFORMATION REGARDING ORDINANCE
	BILL NO. O-73-02-05
	ORDINANCE NO. O-17-73
X	REGULAR SESSION 2-13-73
	SPECIAL SESSION
	APPROVED AS TO FORM AND LEGALITY Keller
	BILL WRITTEN BY
	DATE INTRODUCED 2-13-73
	REFERRED TO SAID STANDING COMMITTEE Nuckols Regulations
	REFERRED TO CITY PLAN
	LEGAL PUBLIC HEARING
	LEGAL PUBLICATION
	JOINT HEARING
	DEPARTMENT HEARING
	HOLD FILE
	PASS 2-27-73
	DO NOT PASS
	WITHDRAWN
	SUSPENSION OF RULES
	PRIOR APPROVAL
	ORDINANCE TAKEN OUT OF OFFICE
	OTHER INSTRUCTIONS REGARDING ORDINANCE
	CORRECTIONS MADE TO ORDINANCE
	PEOPLE SPEAKING FOR ORDINANCE
	PEOPLE SPEAKING AGAINST ORDINANCE

	CONTENTS OF ORDINANCE
X	COMMITTEE SHEET
X	VOTE SHEET
	PURCHASE ORDERS
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	City Plan. COMMUNICATIONS FROM
X	ZONING MAPS
	Petition to Vicate Street Remonstrance ABSTRACTS
	TITLES
	PRIOR APPROVAL LETTER

Digest Book

COUNCILMAN'S VOTE

2

	AYES	NAYS	ABSENT
BURNS	X		
HINGA			X
KRAUS			X
MOSES	X		
NUCKOLS	X		
D. SCHMIDT	X		
V. SCHMIDT	X		
STIER	X		
TALARICO	X		

COMMENTS: